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IN THE

Supreme Court of the United States

OCTOBER TERM, 1972.

No. 71-1193

UNITED STATES OF AMERICA,
Appellant,

vs.

TRAVIS PAUL ENMONS, JACKIE J. BENDO, ED WAYNE BARTON AND MILTON WOODWARD.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF LOUISIANA.

MOTION OF THE CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA FOR LEAVE TO FILE A BRIEF AS AMICUS CURIAE.

MILTON SMITH,
General Counsel,

O. F. WENZLER,
Labor Relations Counsel,
Chamber of Commerce of the
United States of America,
1615 H Street, N. W.,
Washington, D. C.,

JERRY KRONENBERG,
120 South LaSalle Street,
Chicago, Illinois 60603,
Attorneys for the Amicus Curiae.

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MOTION OF THE CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA FOR LEAVE TO FILE A BRIEF AS AMICUS CURIAE.

The Chamber of Commerce of the United States of America ("Chamber") hereby respectfully moves this Court for leave to file a brief *amicus curiae* herein in support of the Appellant, pursuant to the Rules of this Court.

While the consent of counsel for the Appellants has been obtained, counsel for Appellees has declined consent to the filing of such a brief.

INTEREST OF THE AMICUS CURIAE.

The Chamber of Commerce of the United States is a federation consisting of a membership of over thirty-seven hundred (3700) state and local chambers of commerce and professional and trade associations, a direct business membership in excess of thirty-eight thousand (38,000), and an underlying membership of approximately five million (5,000,000) business firms and individuals. It is the largest association of business and professional organizations in the United States.

The Chamber has appeared as *amicus curiae* in this Court in a wide range of labor relations matters which have substantially affected the legitimate and vital interests of its members. Examples of such cases in which the Chamber has recently participated include *N. L. R. B.* v. *Pittsburgh Plate Glass Co.*, ____ U. S. ____, 30 L. Ed. 2d 341 (1971); *Boy's Markets* v. *Retail Clerks Union*, 398 U. S. 235 (1970); *N. L. R. B.* v. *Burns International Security Services, Inc.*, ____ U. S. ____, 80 LRRM 2225 (1972); *H. K. Porter Co.* v. *N. L. R. B.*, 397 U. S. 99 (1970); *Sears, Roebuck and Co.* v. *Carpet Layers, Local 419*, 397 U. S. 655 (1970); and *Los Angeles Herald Examiner* v. *Kennedy*, 400 U. S. 3 (1970).

During this very Term, the Chamber has also participated as *amicus curiae* in *N. L. R. B.* v. *Granite State Joint Board, Textile Workers Union of America, Local 1029, AFL-CIO*, No. 71-7111; *N. L. R. B.* v. *International Van Lines*, No. 71-895; *Sid Harvey, Inc. and Sid Harvey Brooklyn Corp.* v. *Local 810, et al.*, No. 72-556; *Phelps Dodge Corporation* v. *AFL-CIO Joint Negotiating Committee for Phelps-Dodge Corporation, et al.*, Nos. 72-220, 72-359; and *Terminal Freight Cooperative Association, et al.* v. *N. L. R. B.*, No. 72-501.

The participation by the Chamber in the cited matters

has been a function of the importance of the issues they presented, conceptually and practically, to the Chamber's members, constituting the broadest and most comprehensive class of employers in commerce. Moreover, this Court has recognized in *UAW* v. *Scofield*, 382 U. S. 205 (1965), that the interests of parties who are aggrieved by unlawful conduct are not identical to those of the government's agents and agencies which prosecute or seek to remedy such unlawful conduct. This Court has therefore determined that such aggrieved parties should be permitted to participate in the appellate deliberation of matters affecting their vital interests even where, as in *Scofield*, no express statutory basis existed for their doing so. One of the principles which has motivated the Chamber to seek participation in this Court in selected labor matters is that absent such participation the views of those uniquely affected by the challenged unlawful conduct would not find expression here. (*E.g., N. L. R. B.* v. *Granite State Joint Board, et al.*).

The instant case satisfies both criteria. The question presented, whether the penalties of fine and imprisonment provided under the Hobbs Act (18 U. S. C. 1951) apply to acts of violence committed by unions for the purpose of coercing employers to consent to higher wages or other contract demands, is of enormous importance to the Chamber's members since they belong to the class of persons whom the Hobbs Act was intended to protect. Such employers are currently without a genuinely effective, reliable and uniform deterrent against acts of violence committed by unions or employees in aid of collective bargaining objectives which cannot otherwise be obtained.

The obvious significance of securing the protection of such a legal deterrent, coupled with the fact that the parties to the instant proceeding include no employers for whose benefit the statute in question was enacted, impels the Chamber respectfully to submit its views to the Court.

Wherefore, the Chamber requests the Court to grant this motion for leave to file a brief *amicus curiae* in support of the Appellant.

Respectfully submitted,

MILTON SMITH,
O. F. WENZLER,

JERRY KRONENBERG,
Attorneys for the Amicus Curiae.